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6 UNITED STATES BANKRUPTCY COURT
7 NORTHERN DISTRICT OF CALIFORNIA
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9 In re
10 CHAPTER 13 CASES.
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DISTRIBUTION ORDER
REGARDING MODEL
CHAPTER 13 PLAN (AUGUST 1, 2013)
OAKLAND DISTRIBUTION ORDER

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14 This Order applies in the Oakland Division for Chapter 13 cases filed on or after August
15 1, 2013, using the Model Chapter 13 Plan (August 1, 2013).

16 (1) The Chapter 13 Standing Trustee (the “Trustee”) may collect the percentage fixed
17 fee under 28 U.S.C. §586(e) on all post-petition payments received before or after confirmation
18 excluding direct payments made pursuant to Sections 2.04, 2.07, 2.08, 2.10, and 3.01 of the plan.

19 (2) Before confirmation, the Trustee shall pay each allowed Class 2 claim secured by
20 a purchase money security interest in personal property an adequate protection payment as
21 required by 11 U.S.C. § 1326(a)(1)(C). The Trustee shall disburse these adequate protection
22 payments in accordance with the Trustee’s customary monthly disbursement schedule beginning
23 the month after the Chapter 13 case is filed.

24 (3) After confirmation, the Trustee shall make monthly payments in the following
25 priority:

26 (a) Trustee Fee’s.

27 (b) Fixed monthly payments for Mortgage Modification Mediation Program
28 claims provided for in Section 5.01 of the plan.

- 1 (c) Allowed Administrative Expenses:
- 2 (i) Unpaid compensation to a former chapter 7 trustee as authorized by
- 3 11 U.S.C. § 1326(b)(3)(B);
- 4 (ii) Fixed monthly payments for administrative claims provided for in
- 5 Section 2.03 of the plan.
- 6 (d) Allowed Claims:
- 7 (i) Fixed monthly payments to Class 1 arrearage claims, Class 2
- 8 claims, and arrearage claims in Section 3.01 of the plan;
- 9 (ii) Class 5 claims;
- 10 (iii) Class 6 claims;
- 11 (iv) Class 7 claims.
- 12 (4) To the extent that payments received by the Trustee within a month are insufficient
- 13 to pay all fixed monthly payments within a priority grouping specified in Paragraphs 3(c) or
- 14 3(d)(i) of this order, the Trustee shall pay the holders of allowed claims and expenses within that
- 15 priority grouping pro rata based on the amount of the monthly payment provided for in the plan.
- 16 (5) The Trustee shall pay pro rata the holders of allowed claims in Class 5, Class 6,
- 17 and Class 7 based on the amount specified in the proof of claim until such claims are paid in full
- 18 as provided in the plan.
- 19 (6) The debtor shall make any payments that become contractually due post-petition
- 20 as set forth in Sections 2.04, 2.07, 2.08, 2.10 and 3.01 of the plan whether or not a proof of claim
- 21 is filed or the plan is confirmed.
- 22 (7) If no date is set forth in Section 2.04 of the plan for payments on Class 1 arrearage
- 23 claims to start, the Trustee will use a payment start date that is 30 days from the petition date.
- 24 (8) The following shall apply to all plans that include payments in Section 5.01 of the
- 25 plan as part of the Mortgage Modification Mediation Program (the “MMM Program”):
- 26 (a) The Trustee shall not make a partial distribution on account of a post-
- 27 petition payment specified in Section 5.01 of the plan;
- 28 (b) If the debtor makes a partial plan payment, or if it the plan payment is not

1 paid on time, and the Trustee is unable to make timely a post-petition payment specified in
2 Section 5.01 of the plan, then the debtor's cure of this default shall include any applicable late
3 charge;

4 (c) The automatic stay is modified to permit holders of claims specified in
5 Section 5.01 of the plan to send statements, impound, and escrow notices, and notices concerning
6 interest rate adjustments or the assessment of fees and costs to the debtor. However, the Trustee
7 will not make post-petition payment adjustments or pay post-petition fees, charges, or
8 assessments until they are demanded in accordance with Federal Rule of Bankruptcy Procedure
9 3002.1:

10 (i) If the holder of a claim specified in Section 5.01 of the plan
11 provides the debtor and the Trustee with notice of a payment change in accordance with Federal
12 Rule of Bankruptcy Procedure 3002.1(b), then the debtor shall adjust the plan payment
13 accordingly;

14 (ii) If the holder of a claim specified in Section 5.01 of the plan
15 provides the debtor and the Trustee with notice of post-petition fees, expenses, and charges in
16 accordance with Federal Rule of Bankruptcy Procedure 3002.1(c), then the debtor shall modify
17 this plan if the debtor wishes to provide for such fees, expenses, and charges.

18 (d) Post-petition payments made by Trustee and received by the holder of a
19 claim specified in Section 5.01 of the plan shall be applied as if the claim were current and no
20 arrearage existed on the date the case was filed;

21 (e) Upon confirmation of a plan, to the extent that there is any unpaid amount
22 held by the Trustee on account of fixed monthly payments to the holder of a claim specified in
23 Section 5.01 of the plan that were not previously distributed pursuant to an interim order
24 authorizing pre-confirmation distributions or otherwise provided for in the order confirming plan,

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1 those funds shall be paid first to the holder of claims set forth in Paragraph 3(c) of this order until
2 such claims are paid in full, and then the balance, if any, as set forth in this distribution order.

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4 Dated: August 28, 2015

/s/ ROGER L. EFREMSKY
United States Bankruptcy Judge

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6 Dated: August 28, 2015

/s/ WILLIAM J. LAFFERTY III
United States Bankruptcy Judge

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8 Dated: August 28, 2015

/s/ CHARLES NOVACK
United States Bankruptcy Judge